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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 000502

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CAIRO FOR MAXSTADT

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SUBJECT: NIGERIA: INADEQUACIES OF THE INDEPENDENT NATIONAL ELECTORAL COMMISSION

Classified by Ambassador Howard F. Jeter. Reason: 1.5(d).

1. (SBU) SUMMARY: After three months delay, INEC published some voter lists week of March 3. With national elections just six weeks away, INEC has missed a key legal deadline. Challenges are almost certain. INEC's performance remains erratic, and non-transparent. INEC will have to work efficiently but swiftly to fill the gaps necessary for minimally adequate logistical preparations. Given INEC's history, this feat is unlikely. Even if the Commission should succeed, its credibility is so badly damaged that many Nigerians would not believe it. END SUMMARY.

IN A MIRE OF ITS OWN MAKING

2. (C) Nigeria's Independent National Election Commission (INEC) remains unprepared to conduct elections in April. While the clock ticks and anxiety mounts, INEC dithers, equivocates and prevaricates. Past and present logistical problems have combined with abominable communications and a perception of favoritism toward the ruling PDP to engender a massive credibility crisis for INEC and its chairman, Dr. Abel Guobadia.

3. (C) The biggest grouse has been INEC's handling of voters, registration. Although INEC conducted the registration in September, it has been unable to provide a credible estimate of registered voters, let alone a final list. Early on, Guobadia claimed 69 million people registered after the first round in September; this number was widely disputed. On one hand, many Nigerians decried under-registration by as much as 50 percent while other Nigerians claimed that improper multiple registration had been rampant. Meanwhile, computer glitches in both Lagos and Kano states, Nigeria's two most populous states, might have affected the inclusion of several million people on the final voters list. Under intense pressure, Guobadia is now claiming 67 million total registrants, though days after the most recently scheduled date for displaying the lists, names have been posted in only a tiny fraction of the registration centers. In any event, the Electoral Act of 2002 (facing a legal challenge from the Presidency) stipulates that lists must be displayed not less than 60 days prior to the election. With voting scheduled for April 12 and April 19, INEC has already missed a key deadline -- even if lists magically appear in all registration centers tomorrow.

4. (SBU) INEC now plans to display the lists in Local Government Area headquarters. Voters in large LGAs (primarily rural areas) will have to travel considerable distances to ensure that they are registered and protest any errors. The original five-day process has been expanded to nine days, evidently to account for the delay in beginning the display. There are reports sourced to INEC officials of review processes having gone very well in some areas that, according to Embassy contacts, never saw a list posted. One opposition politician reported that the list displayed in his LGA in Borno contained names from the Jos area of Plateau State rather than those of inhabitants of his LGA. The review process does not allow for adding names to the list, which could be a problem for many candidates, as it has been reported that some may not be registered voters themselves (a prerequisite for running for office). In a March 10 meeting between officials of political parties and Mission officers, one candidate said he had no idea whether he was registered and wondered how many others in the room could say for certain that they were.

5. (C) While INEC may have mishandled registration and other aspects of preparations for the April elections, it has been a stickler when measuring the compliance of candidates with its regulations. INEC told the media recently that the vast

majority of candidates at all levels could not be approved to contest the elections because of mistakes and omissions in their applications for candidacy. INEC said it would extend the deadline for candidate submissions to March 11. COMMENT: INEC's six screening committees will have less than a week to review candidates' submissions. If the screeners apply INEC's rules very strictly, complaints will be legion, especially if most of the disqualified are from opposition parties (likely, since there are 29 opposition parties set against the ruling PDP). If the screeners are too lenient, post-election challenges could result in ballot-box winners being divested of the fruits of victory. END COMMENT.

16. (C) In addition to troubles with the registration, INEC is also confronted with difficulties in arranging election logistics. No sample ballot has been provided for examination or for training poll workers and observers, though we have been given a general description. The presidential ballot will have 19 political party logos running down the center of the page, each with the acronym of the party, but no party or candidate names. Voters are to place a thumbprint next to the party symbol of the preferred candidate. This is a bit tricky as the thumbprint space for each party will alternate sides between the left and right margins from the top to the bottom of the page (a "butterfly ballot" of sorts). For all other elections, the ballots will look the same, except with 30 party logos and acronyms, whether or not the party has a candidate in the particular local, state or National Assembly election. COMMENT: Opposition parties (other than the ANPP) complain that this approach makes it difficult for voters to grasp the import of their votes. Voters need not know the name of their preferred candidate for an office, but they must know his/her party affiliation. Illiterates will have to be able to link a preferred candidate to a symbol (umbrella for the PDP, ear of maize for the ANPP, etc.). Those who can read will have to take great care, since most parties have three-letter acronyms, a number of which (PDP, PRP, PSP) are not readily distinguished one from the other, especially when a butterfly ballot is being used. The fact that numerous candidates have switched parties in recent months will add to the confusion. END COMMENT.

17. (U) INEC's reassignment of key staff will present other problems. First, the Director of Operations (described by IFES as the Commission's most effective staff member) has been reassigned to a non-operational position. Two hundred fifty INEC staff were suspended for allegedly selling registration cards or accepting bribes. INEC has not indicated when these officers will be replaced. Many regional elections officers were transferred to another state recently, and numerous other reassignments throughout the Commission took place during the last month. Guobadia stated that there would be about 500,000 INEC poll workers at 120,000 polling stations, but no logistical plan for moving personnel or materials throughout the country has been formulated, to say nothing of funded.

18. (C) According to the Chairman, INEC will supply each polling station with exactly 500 ballots, for a total of 60 million (seven million fewer than his own estimate of the number of voters). This also raises the obvious question of where to place each booth. If they use the same locations as during registration, there will be numerous complaints. A major complaint in the registration exercise was that booths in some (mostly rural) areas had excess material, while in other areas the booths were grossly under-equipped. INEC seems to be on course to replicate this error on the election days. INEC could create new polling stations, but that would entail even more unfunded costs. The brother of INEC Secretary Hakeem Baba-Ahmed reported that many Commissioners

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are in a quandary: They do not want to give more materials to one station than another, yet they lack the resources to fulfill existing requirements, to say nothing of providing one polling station for each 500 voters (reportedly a requirement laid down by "politicians"). But if a registration site had 1000 bone fide registrants how will the extra 500, whose names will appear on lists at other sites, know where to go and which site will be theirs?

CODE OF CONDUCT) WAITING TO BE BORN

19. (C) A code of conduct for the political parties is still in the works. A draft has been in existence for several months. On February 28, Guobadia made reference to a code of conduct prepared by the Commission that had been delivered to the parties. He stated the code would be binding on the

parties and urged each of them to sign it. As of now, none of the 30 parties has signed the code. COMMENT: Party leaders argue that their respective constitutions contain codes of conduct and that they should abide by these. Most opposition parties do not trust INEC to administer a code of conduct fairly, fearing that the Commission will favor the ruling PDP. END COMMENT.

10. (C) INEC has added to its woes by inserting itself into intra-party squabbles. In Jigawa, INEC was involved in an ANPP showdown as two different factions submitted their respective candidates for governor. Lack of credibility on INEC's part meant INEC's decision was not final, and the case went to court, with a decision finally emerging on March 3. Internecine conflict over the ANPP nomination for the Kano gubernatorial race continues. In Adamawa, INEC has managed to announce two "official" ANPP gubernatorial candidates, although neither is the original candidate submitted by the ANPP. Meanwhile, INEC Secretary Hakeem Baba-Ahmed reportedly told ANPP figures that that some INEC Commissioners have complained that Guobadia meets with President Obasanjo & too regularly.⁸ True or not, the allegation further weakens the organization's claim of impartiality and independence.

11. (C) COMMENT: With elections approximately one month away, INEC's poor performance to date suggests two critical problems. First, the Commission likely will no longer be capable of putting in place the logistics required to carry out its election day mandate. Thus far, INEC's response to its own shortcomings has been a mixture of equivocation, evasion and prevarication. While one can fudge the display of voter lists (at least until the failure to display them as required by law leads to a court injunction), the failure to establish and resource the 120,000-plus polling places required on April 12 and April 19 will be much harder to finesse. Second, the Commission's poor performance to date, especially its failure to communicate effectively with the parties, suggests that vast swathes of Nigeria's elite will not believe anything Commissioners and INEC staff say in the future -- even in the unlikely eventuality that INEC proves able to meet the huge logistical challenges it faces. Opposition politicians score INEC low on across the board and routinely portray the Commission as a tool of the ruling party. Even some PDP adherents privately criticize INEC, arguing that its lack of credibility will call into question an election that President Obasanjo can handily win legitimately.

12. (C) In short, it may not matter much what INEC does between now and the elections, the Commission's "negatives" are too high for it to regain broad public confidence. Talk of postponing the elections and/or establishing some sort of interim government to administer them grows daily. Several of the larger opposition parties have now sought a delay, and the NDP reportedly has filed suit, contending that INEC's failure to "display the authentic voter registration list" 60 days before the election means the elections cannot legally take place. Pressing from the other direction is the constitutional requirement that voting for President must be complete 30 days before the current Administration's term of office ends on May 28, 2003. Were the Commission itself a candidate for office, it would be time to pull out of the race in favor of someone with a chance of winning. Unfortunately for Nigeria, there is no constitutional alternative to INEC.

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